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BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 90-67-S - ORDER NO. 90-754 ✓
AUGUST 13, 1990

IN RE: Petition of Klaus Wilke and)
McGregor Downs Mobile Home Park)
for a Declaratory Order Seeking) ORDER
Review of Rates and Charges of)
Midlands Utility, Inc.)

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an Application filed on January 24, 1990, on behalf of Klaus Wilke and McGregor Downs Mobile Home Park (the Petitioners) seeking a declaratory order from the Commission, and pursuant to our Order No. 90-437 issued previously in this matter.

In Order No. 90-437, the Commission determined that a hearing should be held to consider issues relative to the provision of sewer service to Klaus Wilke and McGregor Downs Mobile Home Park by Midlands Utility, Inc. (the Respondent).

Subsequently, a Prehearing Conference was held and the parties entered into a Report of Stipulations pursuant to R.103-863(B) of the Commission's Regulations, which set forth issues for determination and a procedure to be undertaken at the upcoming hearing.

Pursuant to the provisions of Commission Order No. 90-437, a hearing was held at the Offices of the Commission on July 11, 1990,

the Honorable Marjorie Amos-Frazier presiding. The Petitioners were represented by Gwendelyn Geidel, Esquire, and Dara Cothran, Esquire; the Respondent was represented by William E. Booth, III, Esquire; and the Commission Staff was represented by H. Clay Carruth, Staff Counsel.

Testifying on behalf of the Petitioners were: Klaus Antony Wilke of West Columbia, South Carolina, Manager of McGregor Downs Mobile Home Park; Klaus Wilke of Columbia, South Carolina, owner of McGregor Downs Mobile Home Park; and E. H. Heustess, Jr., City Manager of Cayce, South Carolina.

Testifying on behalf of the Respondent was Charles B. Parnell, President of Midlands Utility, Inc. of Lexington, South Carolina.

The Commission Staff did not present any witnesses.

The Report of Stipulations was read into the record by counsel for the Respondent and concurred in by counsel for the other parties.

The Report of Stipulations provides as follows:

ISSUES

The ultimate issues to be decided by the Commission in this proceeding is as follows:

1. Whether the Schedule of Residential Rates approved for Midlands in Order No. 89-80, Docket No. 88-237-S, issued on January 25, 1989, applies to sewerage service provided to a mobile home of the type and for the use existing in the McGregor Downs Mobile Home Park located off U.S. Highway #1 near Interstate I-26 in Lexington County.

2. If the Schedule of Residential Rates approved for Midlands does not apply to a mobile home, then what is the proper procedure for establishing such rate.

PROCEDURE AT HEARING

For purposes of the procedure for the hearing in this matter, the parties have agreed as follows:

1. Midlands will be allowed to renew its Motion to Dismiss contained in the Second, Third, and Fifth Defenses of its Answer and Motion filed on March 15, 1990.

2. If the Commission determines that the present Schedule of Residential Rates approved for Midlands does not apply to a mobile home, then the Commission will not establish a rate for mobile homes in its Order, but will direct Midlands on the procedure to be utilized for establishment of such a rate.

3. If the Commission determines that the present Schedule of Residential Rates for Midlands does apply to a mobile home, then the Commission will dismiss the petition.

Based upon a full consideration of the testimony and exhibits of the witnesses, as well as the entire record herein, the Commission addresses the matters raised in the Report of Stipulations as follows:

1. The Commission finds that the scheduled residential rate approved for the Respondent in Commission Order No. 89-80, issued in Docket No. 88-237-S should not apply to sewer service provided to mobile homes of the type and for the use existing in the McGregor Downs Mobile Home Park in Lexington County, South

Carolina.

2. The Commission finds that the Respondent should file an application with the Commission for approval of any rates and charges for sewer service applicable to residents of the mobile homes located in the Respondent's service area.

3. The Commission finds that the Respondent's Motion to Dismiss should, for reasons apparent from the foregoing, be denied.


IT IS THEREFORE ORDERED:

1. That the Respondent's Motion to Dismiss be, and hereby is, denied.

2. That the Respondent file an application with this Commission for approval of any rates and charges for sewer service to be furnished to residents in mobile homes located in the Respondent's service area.

3. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)